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PATENT APPLICATION  
09/972,365

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ulrich Bungert et al.  
Serial No.: 09/972,365  
Filing Date: October 5, 2001  
Examiner: Michael Maskulinski  
Art Unit: 2113  
Title: Automatic Generation of Diagnostic  
Programs for SPS-Controlled Systems

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

I, Dr. Frank Schiller hereby declare and state that:

1. I am the co-inventor of the subject matter of the above-referenced Application entitled "Automatic Generation Of Diagnostic Programs For SPS-Controlled Systems" filed on November 9, 2002 (the "Application") claiming priority to provisional application 60/318,180 filed September 7, 2001.

2. The Examiner rejected Claims 1-13 of the Application in an Office Action dated February 8, 2006 based, in part, on Lenz et al. (Pub. No. US2001/0032025) filed February 14, 2001 (the "Lenz Application") and claiming priority to provisional application 60/182,247 filed February 14, 2000 ("the critical date") or in the alternative based, in part, on Ramadei et al (Pub. No. US2002/0166082) filed March 2, 2001 (the "Ramadei Application").

3. I developed an understanding and appreciation of the subject matter of Claims 1-13 of the Application prior to the critical date, the priority date of the Lenz Application. Attached herewith as Exhibit A is a German Invention Disclosure Form prepared by me, which was received on June 17, 1998, detailing my understanding of the subject matter of the claims. A correct translation of this Invention Disclosure Form into English is also submitted.

4. From a point prior to critical date continuing through to the filing date of the Application, I worked with a patent attorney retained by my employer to prepare papers for filing. That work included conducting a patentability search and reviewing the resulting references, discussing the invention and possible claims, preparing a draft application, reviewing the draft application and preparing suggested changes, reviewing a revised application, preparing a declaration, reviewing and signing the declaration, and preparing the filed application.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Further, I declare that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Signed this 7<sup>th</sup> day of April, 2006.

Frank Schiller  
Dr. Frank Schiller